

1081402 - R8 SDMS



Victor
Ketellapper/EPR/R8/USEPA/
US

04/01/2005 09:05 AM

To "Arend, Chris" <Chris.Arend@mail.house.gov>

Jennifer Chergo/OCP/R8/USEPA/US@EPA, Patricia
cc Courtney/OCP/R8/USEPA/US@EPA, Sandy
Fells/OCP/R8/USEPA/US@EPA

bcc

Subject VB/I70 Exterior Lead Based Paint

Chris,

In following up to our conversation yesterday at the VB/I70 working group meeting, EPA and CDPHE are planning to conduct exterior lead based paint abatement to protect the soil removal and replacement remedy.

Under the Superfund Law, EPA does not have the authority to address the potential human health risk resulting from lead in paint. However, EPA's 2003 guidance document "Superfund Lead-Contaminated Residential Sites Handbook" (OSWER 9285.7-50) establishes that Superfund resources maybe used to respond to exterior lead based paint to prevent recontamination of soils that have been remediated for lead if other funding sources are not available.

This guidance document can be found at this web address:

<http://www.epa.gov/superfund/programs/lead/products/handbook.pdf>.

The discussion that EPA has had with the community is how protecting the remedy is defined. Since this is a new guidance document, I have not been able to find any other site that has conducted exterior lead based paint abatement to protect the remedy. EPA Region 8 and CDPHE have proposed to the community that for the VB/I70 Site exterior lead based paint abatement would be conducted if both of the following criteria are meet:

1) at properties which the soil was originally contaminated by lead. The reasoning behind this is that the guidance only applies to lead contaminated residential sites. This would exclude those properties which were cleaned up for only exceeding the arsenic soil cleanup level. About one half of the properties being cleaned up at VB/I70 fall into this category

2) at properties which the area of peeling exterior lead based paint there was sufficient lead to fall onto the ground to cause the yard wide average lead soil concentration to exceed 400 mg/kg. This is based on how it was determined if a soil cleanup was necessary under the record of decision.

CEASE has written me a letter to reconsider this and has proposed the following alternative

1) consider all properties that a soil cleanup was conducted for exterior lead based paint abatement, including those which the soil was only contaminated with arsenic.

2) evaluate the impact to soils within the drip line of the home or near lead painted structures. If the amount of peeling lead based paint would result in exceeding the 400 mg/kg lead soil concentration, then conduct an lead based paint abatement to protect the remedy. For the purposes of this evaluation, the community proposed EPA should consider impacts to soil within 6 feet of the home.

Since, how this remedy is implement at VB/I70 could have impacts on how this policy is implemented at other Superfund sites around the country, I have begun discussions with other regional offices that are currently confronted with this issue. I also believe that EPA Headquarters, Office of Superfund Remediation and Technology, will weigh in on this policy decision. The contact information you requested for the director of this Headquarters office is:

Mike Cook, Director of the Office of Superfund Remediation and Technology
USEPA Headquarters (5201G)

Ariel Rios Building
1200 Pennsylvania Ave. N.W.
Washington DC 20460

Fax 703-603-9146

Please contact me if you have any other questions regarding this issue at the VB/170 Superfund Site.

Victor Ketellapper, P.E.
USEPA
999 18th Street Suite 300 (8EPR-SR)
Denver, CO 80202

(303)312-6578